

Application No. 10/669,033
Amendment dated February 10, 2006
Reply to Final Office Action of January 26, 2006

Docket No. CM06376J

REMARKS/ARGUMENTS

Claims 1, 8, and 15 have been amended without prejudice or disclaimer. Claims 1-8, 10, 12-13 and 15, 16 remain in the application. Reconsideration is respectfully requested.

Rejection - 35 U.S.C. § 102:

Claims 8 is rejected under 35 U.S.C. § 102(b) as being anticipated by Wong et al (U.S. Patent 5,881,103). Claims 1-8, 10, 12-13 and 15-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Curtiss et al (U.S. Pub. No. 2003/012562).

Independent claims 1, 8 and 15 have been amended to recite that the radio includes a controller and that the audio accessory is controllerless. No new matter has been added. Support for this amended is found on page 5, line 9 and FIG. 1 of applicant's specification. The entire Curtiss reference teaches a controller being located in the accessory. For example, FIG. 1 shows controller (116) in accessory (112); FIG. 2 shows controller 220 in accessory 212; FIG. 4 shows controller 408 in accessory 400; FIG. 5 shows controller 508 in accessory 500; and FIG. 10 shows controller (1070) in accessory 1008. The Curtiss reference teaches that the controller is in the accessory in paragraph [0033], lines 1-2; paragraph [0039], lines 4, 5; paragraph [0048] lines 1-3; paragraph [0049], lines 1-2; and paragraph [0082] lines 12-13. There is no teaching or suggestion in Curtiss that the accessory is controllerless. Applicant's specification, on the other hand, teaches on page 13, line 10 that "... all information needed to optimally operate the accessory exists within the accessory itself and is accessible by the host radio once the accessory is attached.

Claims 1, 8 and 15 are believed to be in condition for allowance. Claims 2-4, 6-7, 10, 12, and 16 provide further limitations to what are believed to be allowable claims and hence are also in condition for allowance.

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No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.


In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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